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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,515

07/18/2006

Franz Danhauser

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EXAMINER

SAETHER, FLEMMING

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

08/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,515	Applicant(s) DANHAUSER, FRANZ	
	Examiner Flemming Saether	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second components and the "means" at in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 7-16 are objected to because of the following informalities: the claims should use consistent terminology which is turn should be consistent with the disclosure. Specifically, the “covering” in claim 1 is referred to as the “housing” in claim 13 and similarly, the “adapter” in claim 1 is referred to as the “closure member” in claim 13. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 6, it is unclear what the “means” refers to. Claim 1, line 10, it does not appear to be properly descriptive in that the separated head part would bend "around" adapted. Claim 1, is additionally indefinite because it claims the collar to be both radially projecting and at the same time pressed into the groove and the collar cannot exist simultaneously exist in both configurations. Claim 8, confusing to where it is unclear what is intended to be claimed. In claim 13, "swedge-like" is indefinite because it is unclear what would be considered like a swedge. The claims were examined as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8, 11, 12, 13 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Brede (DE 103 38 394). Since applicant has not perfected the claim for priority with an English translation the reference to Brede is applicable. In that regard Brede discloses a pyromechanical securing element comprising a covering/housing (2), a pyrotechnic propellant (4) and an adapter/closure (5). The adapter/closure includes a groove/intermediate reduced diameter portion which receives a collar portion of the covering/housing (see Figs. 2 and 3). The collar being radially projecting is part of a product-by-process limitation wherein it is only the final product considered. There is further disclosed frangible break notches (at 6).

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Miller (Germany 971,711). Miller discloses a pyromechanical securing element comprising a generally cylindrical housing (2) closed at one end (at 1); a generally cylindrical closure member (7) having grooves (in the embodiment of Fig. 6) which include spaced large diameter portion separated by a reduced diameter portion such that once assembled

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the housing will have thicker portions extending onto the groove and; a pyrotechnic propellant (4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 11, 12, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US 1,400,401) in view of Miller (Germany 971,711). Allen discloses a pyromechanical securing element comprising a generally cylindrical covering/housing (2) having a "means" at one end, a head part with pyrotechnic propellant (3') in the covering/housing at a opposite end and an adapter/closure (6) which borders on the pyrotechnic propellant. The head may be provided with break notches (8) and the pyrotechnic propellant is shown spaced from the adapter/closure. Allen discloses the adapter/closure threaded in the housing/covering but not with a groove and collar. Miller also discloses a pyromechanical securing element comprising a covering/housing (2) with a generally cylindrical adapter/closure member (7) having grooves (in the embodiment of Fig. 6) which include spaced large diameter portion separated by a reduced diameter portion such that once assembled the housing will have a collar/thicker portions extending onto the groove and teaches it as an alternative configuration to a thread (Fig. 3). At the time the invention was made, it would have

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been obvious for one of ordinary skill in the art to replace the thread securing the adapter/closure to the covering/housing as disclosed in Allen with a groove/reduced diameter and collar securing the adapter/closure to the covering/housing as disclosed in Miller because Miller teaches that they are known alternatives yielding the similar results.

Allowable Subject Matter

Claims 9, 10 and 14 appear would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

This office action is **Non-Final** in light of the confusion associated with the originally filed claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Flemming Saether
Primary Examiner
Art Unit 3677

/Flemming Saether/
Primary Examiner, Art Unit 3677